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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/449.731	11/26/99	SARUTA	T 4947-0090-2

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EXAMINER	
VO. A	
ART UNIT	PAPER NUMBER

2861

DATE MAILED: 05/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/449,731

Applicant(s)

SARUTA

Examiner

Anh Vo

Group Art Unit
2861



☒ Responsive to communication(s) filed on Preliminary Amendment filed on 12/28/1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Acknowledgement is made of the receipt of Preliminary Amendment filed 28 December 1999.

Oath/Declaration

The declaration filed 10 March 2000 is acceptable.

Drawings Object to

The drawings filed 26 November 1999 are acceptable.

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 12, 14-16, 18-24, and 29-30 are rejected under 35 USC 103 (a) as being unpatentable over Yoshimura et al. (US Pat. 6,019,461).

Yoshimura et al. discloses in Figures 1-3 an ink cartridge being removably attached to an ink-jet printer having elements of the instant claimed invention, the following including:

- a memory writing unit (34) that writes plural pieces of information relating to said cartridge (33) into said rewritable non-volatile memory of said cartridge (33) at a preset timing and thereby at a certain frequency (Fig. 3);

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- li a rewritable storage device (5) incorporated in said printer main body (31) of said printer (30) (Fig. 3);
- an information writing unit (6) that writes specific information into said rewritable storage device (5) of said printer main body (31) at a specified frequency, the plural pieces of information relating to said cartridge (33) are written into said non-volatile memory (34) of said cartridge (33), the specific information being identical with at least part of the plural pieces of information relating to said cartridge (33) (Fig.3);
- said information writing unit (6) writes the specific information into said rewritable storage device (5) of said printer main body (31) at the preset timing as well as at another timing (Fig. 3);
- said memory writing unit (6) writes the plural pieces of information into said rewritable non-volatile memory (34) of said cartridge (33) at a power-off time of said printer (30) and/or at a time of replacement of said cartridge (33) (Fig. 3);
- said information writing unit (6) writes the specific information into said rewritable storage device (6) on completion of printing with regard to one page (Fig. 3);
- said information writing unit writes (6) the specific information into said rewritable storage device (5) on completion of printing with regard to at least one raster line (Fig. 3);
- said non-volatile memory is an EEPROM (Fig. 3, col. 5, lines 61-65).

Yoshimura et al. disclose the claimed invention except for “an information writing unit that writes specific information into said rewritable storage device of said printer main body at a specified frequency that is higher than the certain frequency”, since it is seen as a design expedient for an engineer having ordinary skill in the art at the time the invention was made to select the change in the frequency for the purpose of restricting the allowable frequency of rewriting.

Allowable Subject Matter

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Claims 6-13, 17, 25-28 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (703) 305-8194. The examiner can normally be reached on Tuesday to Friday from 8:00 A.M. to 5:30 P.M..

The fax number of this Group 2861 is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anh Vo

Patent Examiner-Group 2861

May 26, 2000



N. Le
Supervisory Patent Examiner
Technology Center 2800